

1 SENATE JOINT RESOLUTION 8

2 46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

3 INTRODUCED BY

4 Linda M. Lopez

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 10, SECTION 11 OF THE CONSTITUTION  
12 OF NEW MEXICO TO LIMIT THE NUMBER OF ELECTIONS ON THE MERGER OF  
13 BERNALILLO COUNTY AND ALBUQUERQUE TO NO MORE THAN ONE EVERY  
14 EIGHT YEARS AT A GENERAL ELECTION.

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16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. It is proposed to amend Article 10, Section 11  
18 of the constitution of New Mexico to read:

19 "A. A county that is less than one thousand five  
20 hundred square miles in area and has, [~~at the time of this~~  
21 ~~amendment~~] as of November 7, 2000, a population of three  
22 hundred thousand or more, and whether or not it is an urban  
23 county pursuant to [~~Section 1 of this amendment~~] Article 10,  
24 Section 10 of the constitution of New Mexico, may provide for a  
25 single urban government by the following procedure:

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1 (1) by January 1, 2003, a charter commission,  
2 composed of eleven members, shall be appointed to draft a  
3 proposed charter. Five members shall be appointed by the  
4 governing body of the county, five members shall be appointed  
5 by the municipality with a population greater than three  
6 hundred thousand and one member shall be appointed by the other  
7 ten members;

8 (2) the proposed charter shall:

9 (a) provide for the form and  
10 organization of the single urban government;

11 (b) designate those officers that shall  
12 be elected and those officers and employees that shall perform  
13 the duties assigned by law to county officers;

14 (c) provide for a transition period for  
15 elected county and city officials whose terms have not expired  
16 on the effective date of the charter; and

17 (d) provide for a transition period, no  
18 less than one year, to ensure the continuation of government  
19 services; and

20 (3) within one year after the appointment of  
21 the charter commission, the proposed charter shall be submitted  
22 to the qualified voters and, if adopted by a majority of those  
23 voters, the municipalities in that county with a population  
24 greater than ten thousand shall be disincorporated and the  
25 county shall be governed by a single urban government. If the

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1 proposed charter is not adopted by a majority of the qualified  
2 voters, then another charter commission shall be appointed and  
3 another election, within twelve months of the previous  
4 election, shall be held. If the proposed charter is not  
5 adopted by a majority of the qualified voters at the second or  
6 any subsequent election, then after at least ~~[two]~~ eight years  
7 have elapsed after ~~[the]~~ an election on a proposed charter,  
8 pursuant to this section another charter commission may be  
9 appointed and another proposed charter may be submitted to the  
10 qualified voters for approval or disapproval; provided,  
11 however, that all elections subsequent to the second election  
12 on a proposed charter shall be held on the day of the general  
13 election. As used in this paragraph, "qualified voter" means a  
14 registered voter of the county.

15 B. Upon the adoption of a charter pursuant to  
16 Subsection A of this section, any municipality within the  
17 county with a population greater than ten thousand is  
18 disincorporated and no future municipalities shall be  
19 incorporated. A county that adopts a charter pursuant to this  
20 section may exercise those powers granted to urban counties by  
21 ~~[Section 1 of this amendment]~~ Article 10, Section 10 of the  
22 constitution of New Mexico and is subject to the limitations  
23 imposed upon urban counties by that section. A county that  
24 adopts a charter pursuant to this section has the same power to  
25 enact taxes as any other county and as any municipality had

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1 before being disincorporated pursuant to this section.

2 C. A municipality, with a population of ten  
3 thousand or less, in a county that has adopted a charter  
4 pursuant to this section may become a part of the single urban  
5 government by a vote of a majority of the qualified voters  
6 within the municipality voting in an election held upon the  
7 filing of a petition containing the signatures of ten percent  
8 of the registered voters of that municipality. If a majority  
9 of the voters elect to become a part of the single urban  
10 government, then the municipality is disincorporated.

11 D. All property, debts, employees, records and  
12 contracts of a municipality disincorporated pursuant to this  
13 section shall be transferred to the county and become the  
14 property, debts, employees, records and contracts of the  
15 county. The rights of a municipality, disincorporated pursuant  
16 to this section, to receive taxes, fees, distributions or any  
17 other thing of value shall be transferred to the county. Any  
18 law granting any power or authorizing any distribution to a  
19 municipality disincorporated pursuant to this section shall be  
20 interpreted as granting the power or authorizing the  
21 distribution to the county.

22 E. The provisions of this section shall be  
23 self-executing."

24 Section 2. The amendment proposed by this resolution  
25 shall be submitted to the people for their approval or

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1 rejection at the next general election or at any special  
2 election prior to that date that may be called for that  
3 purpose.

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